

**DISTRICT OF COLUMBIA**  
**DOH Office of Adjudication and Hearings**  
825 North Capitol Street N.E., Suite 5100  
Washington D.C. 20002

DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH  
Petitioner,

v.

JOY COMPANY INC.  
Respondent

Case No.: I-00-11211

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**FINAL ORDER**

**I. Introduction**

This case arises under the Civil Infractions Act of 1985 (D.C. Code §§ 6-2701, *et seq.*) and Title 20, Chapter 9 of the District of Columbia Municipal Regulations (“DCMR”). By Notice of Infraction (No. 00-11211) served on June 25, 2001, the Government charged Respondent, Joy Company, Inc., with a violation of 20 DCMR 900.1, which prohibits, with certain exceptions, motor vehicles from idling their engines for more than three (3) minutes while parked, stopped or standing. The Notice of Infraction alleged that the violation occurred on June 11, 2001 at the 100 block of M Street, NE and sought a fine in the amount of \$500.00.

Respondent filed a timely plea of Admit with Explanation on June 27, 2001, along with a request for a reduction or suspension of any assessed fine. In its submission, Respondent stated that it was not aware of the provisions of 20 DCMR 900.1 at the time of the violation. Respondent further stated that, on June 27, 2001, it convened a safety meeting for its employees

to advise them of the regulation.<sup>1</sup> On July 3, 2001, this administrative court issued an order permitting the Government to reply to Respondent's plea and request within ten (10) calendar days of the order's service date. Because the Government has not responded within the allotted time, this matter is now ripe for adjudication.

## **II. Findings of Fact**

1. By its plea of Admit with Explanation, Respondent has admitted violating 20 DCMR 900.1 on June 11, 2001.
2. On June 11, 2001, a truck owned and operated by Respondent idled its engine while parked for more than three (3) minutes in the 100 block of M Street, N.E.
3. On June 27, 2001, Respondent conducted a safety meetings with its drivers to inform them of the requirements of, and potential fines associated with, 20 DCMR 900.1.
4. Respondent's violation was unintentional.
5. Respondent has accepted responsibility for its unlawful conduct.
6. The record does not reflect that Respondent has a history of non-compliance.

## **III. Conclusions of Law**

1. Respondent violated 20 DCMR 900.1 on June 11, 2001. A fine in the amount of \$500.00 is authorized for this violation. *See* 16 DCMR 3224.3(aaa).

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<sup>1</sup> Respondent attached to its explanation a copy of the employee attendance sheet for the June 27<sup>th</sup> safety meeting, as well as an informational flyer about the requirements of 20 DCMR 900.1. These materials are attached hereto.

2. Respondent has requested a reduction or suspension of the fine. Under these circumstances, a reduction, but not a suspension, of the fine is appropriate. Respondent has accepted responsibility for its unlawful conduct. Moreover, Respondent's violation was unintentional, and, once made aware of the requirements of 20 DCMR 900.1, Respondent took exemplary steps to promote future compliance by its drivers. Finally, the evidence in the record does not reflect a history of non-compliance on the part of Respondent. Accordingly, the fine will be reduced to \$200.00. *See* D.C. Code §§ 6-2703(b)(6), 6-2712(a)(2); 18 U.S.C. § 3553; U.S.S.G. 3E1.1.

#### **IV. Order**

It is, therefore, upon the entire record in this matter, this \_\_\_\_\_ day of \_\_\_\_\_, 2001:

**ORDERED**, that Respondent shall pay a total of **TWO HUNDRED DOLLARS (\$200.00)** in accordance with the attached instructions within twenty (20) calendar days of the date of mailing of this Order (fifteen (15) calendar days plus five (5) days for service by mail pursuant to D.C. Code § 6-2715); and it is further

**ORDERED**, that, if Respondent fails to pay the above amount in full within twenty (20) calendar days of the date of mailing of this Order, by law, interest must accrue on the unpaid amount at the rate of 1 ½% per month or portion thereof, beginning with the date of this Order. D.C. Code § 6-2713(i)(1), as amended by the Abatement and Condemnation of Nuisance

Properties Omnibus Amendment Act of 2000, D.C. Law 13-281, effective April 27, 2001; and it is further

**ORDERED**, that failure to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including the suspension of Respondent's licenses or permits pursuant to D.C. Code § 6-2713(f), the placement of a lien on real and personal property owned by Respondent pursuant to D.C. Code § 6-2713(i), and the sealing of Respondent's business premises or work sites pursuant to D.C. Code § 6-2703(b)(6).

/s/      **8/6/01**

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Mark D. Poindexter  
Administrative Judge